

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TECHNOMARINE SA, a Swiss
Corporation,

Plaintiff,

– against –

GIFTPORTS, INC., a New York
Corporation; and DOES 1-10, inclusive,

Defendants.

Civil Action No. 11 Civ. 9643 (DAB)

ECF

DEFENDANT'S NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the First Amended Complaint dated April 19, 2012, the Stipulation and Order entered May 22, 2012 (Docket No. 14) and the accompanying Declaration of William Thomashower dated May 24, 2012 and the exhibits thereto, and upon the accompanying Memorandum of Law, Defendant Giftports, Inc. moves this Court, before the Hon. Deborah A. Batts, U.S.D.J., in Courtroom 24B at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10017, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint on the grounds of res judicata, failure to state a claim and on the grounds of acquiescence, equitable estoppel and laches, together with such attorneys' fees, costs and other relief as the Court determines is just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation and Order of May 22, 2012, plaintiff's opposition papers are to be served on the undersigned counsel

and filed on or before June 15, 2012, whereupon defendant's reply papers are to be served and filed on or before June 29, 2012.

Dated: New York, New York
May 24, 2012

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